

Message Text

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ACTION NEA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 INR-07 NSAE-00 PA-01

USIA-06 PRS-01 SP-02 /027 W
----- 012234

R 021105Z MAY 75

FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 9932

INFO AMEMBASSY DACCA

AMEMBASSY KABUL

AMCONSUL KARACHI

AMCONSUL LAHORE

AMEMBASSY NEW DELHI

AMEMBASSY TEHRAN

C O N F I D E N T I A L ISLAMABAD 3934

E.O. 11652: GDS

TAGS: PINT, PFOR, PK, AF

SUBJ: GOP ENTERS SECOND CASE AGAINST NAP

REF: A. ISLAMABAD 3245

B. ISLAMABAD 3416

1. QUETTA POLICE REGISTERED A CASE APRIL 21 AGAINST NATIONAL AWAMI PARTY (NAP) PRESIDENT ABDUL WALI KHAN AND OVER 40 OTHER PERSONS ON CHARGES OF CONSPIRACY, SABOTAGE AND BOMB BLAST ACTIVITIES. THE CASE COMES UNDER JURISDICTION OF SPECIAL TRIBUNAL CONSTITUTED UNDER BILL FOR SUPPRESSION OF ACTS OF SABOTAGE, SUBVERSION AND TERRORISM. MR. JUSTICE ABDUL HAI QURESHI OF SIND-BALUCHISTAN HIGH COURT IS SOLE JUDGE OF THIS SPECIAL TRIBUNAL WHICH HAS BEEN ENGAGED SINCE AUTUMN OF 1974 IN CASES UNDER THIS LAW. (A PARALLEL TRIBUNAL HAS BEEN OPERATING IN NWFP).

2. THE BALUCHISTAN PROVINCIAL AUTHORITIES' CASE CHARGES THAT AJMAL KHATTAK ABSCONDED TO AFGHANISTAN IN MARCH 1973 AND THEREAFTER "INVITED AND PROMPTED" CONFIDENTIAL

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YOUNG MEMBERS OF NAP "AND ITS SUBSIDIARY" ORGANIZATIONS

LIKE THE PAKHTOON STUDENTS FEDERATION FROM
BALUCHISTAN AND NWFP TO CARRY OUT SABOTAGE, SUBVERSIVE
AND BOMB BLAST ACTIVITIES IN THE COUNTRY. IT ALSO
CHARGES THAT TRAINING IN GUERRILLA OPERATIONS WERE
GIVEN THESE YOUNG PEOPLE BY KHATTAK, MEMBERS OF NAP-
AFFILIATE PAKHTOON ZALME AND AFGHAN ARMY OFFICERS.
THEREAFTER, THESE SABOTEURS OPERATED ALSO IN PUNJAB
AND KARACHI, CIRCULATED FALSE BULLETINS, THE REPORT
CHARGES. WALI KHAN, IT ALLEGES,
"APPRECIATED" THESE ACTIVITIES.

3. COMMENT: THE PRESENT CASE CONTAINS SOME OF THE
SAME CHARGES AGAINST NAP MADE BY THE GOP IN ITS CASE
BEFORE THE SUPREME COURT DISSOLVING THE PARTY (REF A).
THE PURPOSE OF THE PARALLEL CHARGE WOULD APPEAR TO
BE TO ENSURE THAT IF NAP SHOULD ACQUIT ITSELF
BEFORE THE SUPREME COURT THE GOVERNMENT COULD YET
HOPE TO WIN ITS CASE BEFORE THE SPECIAL TRIBUNAL
AGAINST INDIVIDUAL NAP LEADERS. IN THE LATTER COURT,
THE BURDEN OF PROOF IN LARGESSEASURE FALLS ON THE
ACCUSED. LEGISLATION PASSED APRIL 4 GAVE ENHANCED
PUNISHMENT, INCLUDING DEATH SENTENCE AND CONFISCATION
OF PROPERTY, TO INDIVIDUALS CONVICTED OF OFFENSES
CAUSING DEATH OR INJURY OR DAMAGE TO PUBLIC PROPERTY.
THE GOVERNMENT MAY ALSO HOPE TO BE ABLE TO USE THE
PROCEEDINGS OF THE SPECIAL TRIBUNAL (TO BEGIN MAY 7)
TO GET AROUND THE SUPREME COURT'S INJUNCTION (REF B)
AGAINST MAKING PUBLIC ACCUSATIONS AGAINST NAP AND ITS
MEMBERS. MEDIA WOULD PRESUMABLY BE PERMITTED TO
CARRY COURT APPROVED ACCOUNTS OF TRIBUNAL'S
PROCEEDINGS.
BYROADE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SUPREME COURT, LITIGATION, POLITICAL PARTIES, OPPOSITION PARTIES
Control Number: n/a
Copy: SINGLE
Draft Date: 02 MAY 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: RowellE0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975ISLAMA03934
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750155-1110
From: ISLAMABAD
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750587/aaaadbny.tel
Line Count: 93
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 ISLAMABAD 3245
Review Action: RELEASED, APPROVED
Review Authority: RowellE0
Review Comment: n/a
Review Content Flags:
Review Date: 29 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29 JUL 2003 by ShawDG>; APPROVED <21 NOV 2003 by RowellE0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GOP ENTERS SECOND CASE AGAINST NAP
TAGS: PINT, PFOR, PK, AF
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006